

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHAN PHELPS	:	CIVIL ACTION
	:	
v.	:	
	:	
GERALD ROZUM, et al.	:	No. 09-3501

ORDER

AND NOW, this 6th day of January 2010, upon consideration of Petitioner's Petition for Habeas Corpus Relief (Doc. No. 1), Respondents' Response thereto (Doc. No. 7), the Report and Recommendation of United States Magistrate Judge Jacob P. Hart (Doc. No. 11), and Petitioner's Objections thereto (Doc. No. 12), it is hereby ORDERED as follows:

1. The Report and Recommendation is APPROVED AND ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED AND DISMISSED;
3. A certificate of appealability SHALL NOT issue, in that Petitioner has not made a substantial showing of the denial of a constitutional right and because reasonable jurists would not find the correctness of the procedural aspects of this decision debatable. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
4. The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.